

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	In Proceedings Under Chapter 13
)	Honorable Deborah L. Thorne
Willie Ray Vaughn)	
)	
)	Case No. 18-05656
Debtors.)	

NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO: DEBTORS, DEBTOR'S COUNSEL, CHAPTER 13 TRUSTEE:

Please take notice that on **January 26, 2022**, at **9:00 a.m.** or as soon thereafter as the same may be heard, the undersigned will present to the Honorable Deborah L. Thorne (or any other judge who may be presiding in her place), the attached motion for relief from the automatic stay.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 160 9362 1728 with no password required. The meeting ID can also be found on the judge's page on the court's web site <https://www.ilnb.uscourts.gov/content/judge-deborah-l-thorne>.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Robertson, Anschutz, Schneid, Crane & Partners,
PLLC

s/ Samantha C. San Jose
Samantha C. San Jose
Attorney for Secured Creditor
205 N. Michigan Avenue, Suite 810
Chicago, IL 60601
833-424-1715
ssanjose@raslg.com

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST C/O U.S. BANK TRUST NATIONAL ASSOCIATION ("Secured Creditor"), by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on February 28, 2018.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On December 20, 2007 Borrower, Willie Ray Vaughn, executed and delivered a Promissory Note ("Note") and a Mortgage ("Mortgage") securing payment of the Note in the principal amount of \$148,483.50 to TCF National Bank. The Mortgage was recorded on December 20, 2007 at Document 0800704026 of the Public Records of Cook County Illinois.

The loan was transferred to Secured Creditor, and upon information and belief, Secured Creditor is the holder of the Note. True and accurate copies of documents establishing a perfected security interest and ability to enforce the terms of the Note are attached hereto as Composite Exhibit “A.” The documents include copies of the Note with any required indorsements, Recorded Mortgage, Assignment(s) of Mortgage, and any other applicable documentation.

4. The Mortgage provides Secured Creditor a lien on the real property located in Cook County, Illinois, and legally described as stated in Composite Exhibit “A”. This property is located at the street address of: 12422 S. Aberdeen St. Calumet Park, IL 60827.

5. The terms and conditions of the Note and Mortgage are in default due to a failure to make payments from July 1, 2021 through and including December 1, 2021. The total arrears amount of \$5,646.40 broken down as follows:

July 01, 2021 to December 01, 2021 (6 mortgage payments at \$791.78)	\$4,750.68
Attorney’s Fees and Costs	\$1,038.00
<u>Less Suspense</u>	<u>(\$142.28)</u>
Total Arrearage	\$5,646.40

6. As such, Secured Creditor’s security interest in the subject property is being significantly jeopardized by Debtors’ failure to comply with the terms of the subject loan documents while Secured Creditor is prohibited from pursuing lawful remedies to protect such interest.

7. Secured Creditor is due the amount of \$73,493.44, good through December 7, 2021. Documentation supporting this claim is attached hereto as Exhibit “B”.

8. Secured Creditor respectfully requests the Court grant it relief from the Automatic Stay in this cause pursuant to 11 U.S.C. §362(d)(1) of the Bankruptcy Code, for cause, namely the lack of adequate protection to Secured Creditor for its interest in the above stated collateral in

that post-petition regular payments are not being made.

9. If Secured Creditor is not permitted to enforce its security interest in the collateral or be provided with adequate protection, it will suffer irreparable injury, loss, and damage.

10. Once the stay is terminated, the Debtors will have minimal motivation to insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

11. Secured Creditor has incurred court costs and attorney's fees in this proceeding and will incur additional fees, costs and expenses in foreclosing the Mortgage and in preserving and protecting the property, all of which additional sums are secured by the lien of the mortgage. Secured Creditor seeks an award of its reasonable attorneys' fees and costs of \$1,038.00, or alternatively, leave to seek recovery of its reasonable attorneys' fees and costs in any pending or subsequent foreclosure proceeding.

WHEREFORE, Secured Creditor prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit Secured Creditor to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, and to any such further relief as this Honorable Court deems just and appropriate.

Respectfully submitted,
U.S. Bank Trust National Association, Not in its
Individual Capacity But Solely As Owner Trustee for
RCF 2 Acquisitions Trust C/O U.S. Bank Trust National
Association

Dated: December 29, 2021

By: /s/ Samantha C. San Jose
One of its Attorneys

Samantha C. San Jose (#6319469)

Pinju Chiu (#6329542)

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
Attorneys at Law

205 N. Michigan Avenue Suite 810

Chicago, IL 60601

Telephone: 833-424-1715

ssanjose@raslg.com/pchiu@raslg.com

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS**

In re:
Willie Ray Vaughn

Case No: 18-05656
Chapter: 13
Hon. Deborah L. Thorne

Debtor.

CERTIFICATE OF SERVICE

The undersigned states that I served the Motion for Relief from the Automatic Stay and Co-Debtor Stay, Notice of said Motion, and proposed Order, all as attached, upon the Debtors by postage prepaid, in the United States Mail, by first-class mail and upon the other parties named below via electronic means, on December 29, 2021.

Willie Ray Vaughn
12422 S. Aberdeen St.
Calumet Park, IL

Mohammed O Badwan
Sulaiman Law Group, LTD
2500 S. Highland Ave
Suite 200
Lombard, IL 60148

Marilyn O Marshall
224 South Michigan Ste 800
Chicago, IL 60604

Patrick S Layng
Office of the U.S. Trustee, Region 11
219 S Dearborn St
Room 873
Chicago, IL 60604

/s/ Brenda Thurman_____